

LA VENTANA RANCH OWNERS
ASSOCIATION, INC.,
Plaintiff,

v.

JAKOB SKELTON AND STEPHANIE
CHANG A/K/A STEPHANIE SKELTON,
Defendants.

§
§
§
§
§
§
§
§

IN THE COUNTY COURT

AT LAW NO. 1

HAYS COUNTY, TEXAS

**PLAINTIFF’S REPLY TO DEFENDANTS’ RESPONSE TO PLAINTIFF’S MOTION
FOR SUMMARY JUDGMENT**

TO THE HONORABLE JUDGE OF THIS COURT:

NOW COMES Plaintiff, La Ventana Ranch Owners Association, Inc. (hereinafter “*Plaintiff*”), in the above-styled and numbered cause, and files this *Reply to Defendants’ Response to Plaintiff’s Motion for Summary Judgment* (hereafter, “*Plaintiff’s Reply*”) and in support thereof, respectfully shows the Court the following:

I.

Plaintiff is Entitled to Judgment as a Matter of Law

A. Plaintiff has Established that the Restrictions are Valid and Enforceable

Defendants Jakob Skelton and Stephanie Chang a/k/a Stephanie Skelton (hereinafter “Defendants”) argue in their response that Plaintiff has failed to establish it is entitled to judgment as a matter of law for a breach of the restrictive covenants. Plaintiff has addressed this argument and has established that the subdivision and the lots therein are governed by and subject *Third Amended Declaration of Covenants, Conditions and Restrictions for La Ventana*, recorded at Document No. 02026515 in the Official Public Records of Hays County, Texas, as amended from time to time (the “*Declaration*”). Further, Plaintiff has established that the Declaration has established that the Declaration specifically:

- prohibits owners from keeping, maintaining, or caring for poultry or fowl on the Property.

Declaration, Section 3.28; and

- that the Plaintiff, through its Board of Directors, is entitled to enforce the Declaration.

Declaration, Section 3.4.

As Plaintiff has shown in its *Original Petition and Application for Temporary and Permanent Injunction*, its *Motion for Summary Judgment* and its *First Supplemental Motion for Summary Judgment* (hereinafter, collectively referred to as “Plaintiff’s Pleadings”), which Plaintiff incorporates the arguments set forth in Plaintiff’s Pleadings, the Declaration is valid and enforceable and therefore Plaintiff is entitled to a judgment as a matter of law.

B. Plaintiff has Established Defendants have Breached the Restrictive Covenants

As shown, in Plaintiff’s Pleadings, and restated above, under Section 3.28 of the Restrictions, the keeping, maintaining, and caring for poultry or fowl within the Subdivision is prohibited. While the Defendants offered reasonable accommodation for Defendant Stephanie Chang a/k/a Stephanie Skelton allowing for two (2) fowl on the Property, Defendants did not accept this accommodation. Further, Defendants admit to continuing to maintain the fowl on the Property. A true and correct copy of *Defendant Jakob Skelton’s Objections and Responses to Plaintiff’s First Set of Discovery Requests* and *Defendant Stephanie Skelton’s Objections and Responses to Plaintiff’s First Set of Discovery Requests* are attached hereto as **Exhibit “A.”** The responses are attached hereto. When Plaintiff originally filed its *Motion for Summary Judgment*, Defendants had missed the deadline to respond to the attached discovery requests and the admissions had therefore been deemed admitted. Later, the parties agreed to extend the deadline to respond as a courtesy to new counsel. Attached hereto are the responses that were then timely provided. Those responses admit that the fowl are kept on the Property. Accordingly, there is no issue of material fact with respect to the presence of fowl on the Property.

Prayer

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that the Court enter grant the Plaintiff's Motion for Summary Judgment and Plaintiff's First Supplemental Motion for Summary Judgment above for Plaintiff against Defendants Jakob Skelton and Stephanie Chang a/k/a Stephanie Skelton, in the amount of not less than \$54,000.00, costs of court, attorney's fees, as well as pre-judgment and post-judgment interest, all in accordance with the law.

Respectfully submitted,

CAGLE PUGH

By: /s/ Adam Pugh
Adam Pugh
Texas Bar No. 24044341
Marla Jones
Texas Bar No. 24046174
4301 Westbank Dr., Suite A150
Austin, Texas 78746
Telephone: (737) 261-0600
Fax: (737) 261-0637
adam.pugh@caglepugh.com
marla.jones@caglepugh.com
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

By my signature, this is to certify that a copy of the foregoing document was served on Defendants by delivering a true and correct copy through the Court's e-filing system, on this the 21st day of April 2025, as follows:

Melissa Carr
DUBOIS BRYANT & CAMPBELL
303 Colorado, Suite 2300
Austin, Texas 78701

Via e-Service: mcarr@dbcllp.com

/s/ Adam Pugh
Adam Pugh

EXHIBIT

A

CAUSE NO. 24-0753-C

LA VENTANA RANCH OWNERS
ASSOCIATION, INC.,
Plaintiff,

v.

JAKOB SKELTON AND STEPHANIE
CHANG A/K/A STEPHANIE SKELTON,
Defendants.

§
§
§
§
§
§
§
§

IN THE COUNTY COURT

AT LAW NO. 1

HAYS COUNTY, TEXAS

DEFENDANT JAKOB SKELTON'S OBJECTIONS AND RESPONSES
TO PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS

To: La Ventana Ranch Owners Association, Inc. by and through its counsel of record, Adam Pugh, Cagle Pugh, 4301 Westbank Dr., Suite A150, Austin, Texas 78746.

Pursuant to TRCP Rules 196, 197, and 198, Defendant Jakob Skelton and (“**Defendant**”) serves the following Objections and Responses to Plaintiff’s Discovery Requests.

Respectfully submitted,

DUBOIS, BRYANT & CAMPBELL, LLP
303 Colorado Street, Suite 2300
Austin, Texas 78701
Telephone: (512) 457-8000
Telecopier: (512) 457-8008

By: /s/ Melissa Carr

Melissa Carr
State Bar No. 24065008
mcarr@dbellp.com

ATTORNEYS FOR DEFENDANTS
JAKOB SKELTON AND STEPHANIE
SKELTON

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy has been served upon the following counsel of record, by electronic means and/or facsimile on this 3rd day of February, 2025:

Adam Pugh
Cagle Pugh
4301 Westbank Dr., Suite A150
Austin, Texas 78746
adam.pugh@caglepugh.com

**ATTORNEYS FOR PLAINTIFF
LA VENTANA RANCH OWNERS
ASSOCIATION, INC.**

/s/ Melissa Carr

Melissa Carr

GENERAL OBJECTIONS AND OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

Defendant objects to the definitions and instructions provided for use in responding to these discovery requests to the extent that said definitions attempt to modify what terms mean under the Texas Rules of Civil Procedure and commonly accepted English language interpretations. They are not legal terms requiring definitions. Furthermore, Defendant objects to the instructions and definitions in their entirety to the extent that they seek to impose terms and conditions beyond the requirements of the Texas Rules of Civil Procedure.

Defendant objects to the definition of **“You,”** and **“Your,”** to the extent said definition, when read with the discovery requests, exceeds the permissible scope of discovery and would require disclosure of information protected by the attorney-client and/or work product privilege as defined in TRCP 192.5, and/or would require this answering Defendant to provide information beyond the scope of this lawsuit.

Defendant objects to the definition of **“Document”** to the extent said definition, when read with the discovery requests, exceeds the permissible scope of discovery and would require disclosure of information protected by the work product privilege as defined in TRCP 192.5. This definition is overbroad and unduly burdensome.

Defendant objects to No. 8 of the “Definitions and Instructions” because it instructs this answering Defendant to provide information relating to work product and/or consulting experts in violation of attorney-client and/or work product privileges.

These General Objections are incorporated into each of the below specific objections and responses to the specific requests as if specifically set forth fully therein. The stating of specific objections to a particular request shall not be construed as a waiver of the within General Objections, nor does a specific reference to a General Objection in the response to a particular request waive any other General Objection. Defendant reserves the right to make specific and further objections to each request.

Subject to and without waiving the foregoing objections, Defendant further objects and responds as follows:

RESPONSES TO REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Please admit Your property located at 914 Ranchers Club Lane, Driftwood, Texas 78640 is subject to that certain *Third Amended Declaration of Covenants, Conditions and Restrictions for La Ventana*, recorded at Document No. 02026515 in the Official Public Records of Hays County, Texas.

OBJECTION: Defendant objects to this Request to the extent that it seeks a legal opinion or conclusion which Defendant is not qualified to render.

RESPONSE: Subject to the foregoing, ADMIT.

REQUEST FOR ADMISSION NO. 2: Please admit You keep ducks on the real property identified in Number 1 above.

RESPONSE: ADMIT.

REQUEST FOR ADMISSION NO. 3: Please admit You have kept no less than 17 ducks on the property identified in Number 1 above.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 4: Please admit You have not requested a reasonable accommodation from the Plaintiff for any particular condition for yourself.

RESPONSE: Defendants admit that they have not submitted a formal request for a reasonable accommodation relating to the ducks for anyone other than Stephanie; however, Defendants have communicated to Plaintiff that Jakob also suffers from PTSD, and that such an accommodation was being requested for both Defendants.

REQUEST FOR ADMISSION NO. 5: Please admit You received the letter dated September 20, 2024, from the undersigned offering an accommodation for your wife.

RESPONSE: ADMIT.

REQUEST FOR ADMISSION NO. 6: Please admit the accommodation offered by the Plaintiff is reasonable.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 7: Please admit You have failed to respond to the Plaintiff's September 20, 2024, offer of an accommodation.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 8: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least June 20, 2024.

RESPONSE: ADMIT

REQUEST FOR ADMISSION NO. 9: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least January 1, 2024.

RESPONSE: ADMIT

REQUEST FOR ADMISSION NO. 10: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least February 1, 2024.

RESPONSE: ADMIT

REQUEST FOR ADMISSION NO. 11: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least March 1, 2024.

RESPONSE: ADMIT

REQUEST FOR ADMISSION NO. 12: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least April 1, 2024.

RESPONSE: ADMIT

REQUEST FOR ADMISSION NO. 13: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least May 1, 2024.

RESPONSE: ADMIT

REQUEST FOR ADMISSION NO. 14: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least March 1, 2023.

RESPONSE: DENY

REQUEST FOR ADMISSION NO. 15: Please admit that You have sold eggs laid by Your ducks.

RESPONSE: ADMIT.

REQUEST FOR ADMISSION NO. 16: Please admit that Your ducks are not service animals as that term is used pursuant to the Fair Housing Act.

OBJECTION: Defendant objects to this Request to the extent that it seeks a legal opinion or conclusion which Defendant is not qualified to render.

RESPONSE: Subject to the foregoing, DENY.

REQUEST FOR ADMISSION NO. 17: Please admit that Your ducks are not service animals under any theory You have asserted in this cause.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 18: Please admit that Your ducks do not do work or tasks directly related to Your wife's disability.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 19: Please admit that You have failed to provide any information that reasonably supports that Your wife has a disability.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 20: Please admit that the only document that You have provided the Plaintiff with regard to Your wife's disability is a letter dated June 25, 2024, from Cherissa R. McConnell.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 21: Please admit that Your wife has never met with Cherissa R. McConnell in person.

RESPONSE: ADMIT

REQUEST FOR ADMISSION NO. 22: Please admit that Your wife has never met with Cherissa R. McConnell in the presence of Your ducks.

RESPONSE: ADMIT

REQUEST FOR ADMISSION NO. 23: Please admit that neither Cherissa R. McConnell, nor any other professional treating Your wife, has ever opined that Your wife's disability requires her to have multiple ducks.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 24: Please admit that neither Cherissa R. McConnell, nor any other professional treating Your wife, has ever opined that Your wife's disability requires her to have 17 ducks.

RESPONSE: ADMIT, as Defendants have never had that many ducks.

REQUEST FOR ADMISSION NO. 25: Please admit that neither Cherissa R. McConnell, nor any other professional treating Your wife, has ever opined that Your wife's disability requires her to have an animal not commonly kept in households.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 26: Please admit that neither Cherissa R. McConnell, nor any other professional treating Your wife, has ever opined that Your ducks must be kept outside.

RESPONSE: ADMIT that Stephanie's therapist has never opined on whether any animal should be kept inside or outside.

REQUEST FOR ADMISSION NO. 27: Please admit that ducks are not commonly kept in households.

OBJECT: Defendant objects that this request is vague as to the phrase "in households."

RESPONSE: Subject to the foregoing objection, while Defendant is not aware of any statistical data, Defendant ADMITS that he believes that people who have ducks probably keep them outdoors and not inside their household.

REQUEST FOR ADMISSION NO. 28: Please admit that You have failed to provide any information to Plaintiff that would explain why Your wife cannot utilize an animal commonly kept in households as an emotional support animal.

RESPONSE: DENY.

RESPONSE TO REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce any and all communication You have had with Plaintiff regarding the dispute made the subject of this lawsuit.

OBJECTION: Objection, equally available.

RESPONSE: Subject to the foregoing objection and without waiving same, see documents produced as SKELTON 000001-000355.

REQUEST FOR PRODUCTION NO. 2: Please produce any and all documents evidencing any possible claim for attorney fees, including invoices, bills, and/or fee agreements.

RESPONSE: See documents produced as SKELTON 000001-000355.

REQUEST FOR PRODUCTION NO. 3: Please produce any and all communications between You and any party regarding Your wife's disability or her need for ducks.

OBJECTION: Defendant objects to the extent that this Request seeks the production of private and confidential communications between Defendant and his wife, which are protected by the spousal privilege. Tex. Evid. R. 504(a). Further objecting, this request is duplicative of Request No. 1 herein. Further objecting, communications between Defendant and Plaintiff are equally available to Plaintiff. Further objecting, this request is vague as to the undefined term "party."

RESPONSE: Subject to the foregoing and without waiving same, and assuming that by "party" Plaintiff is seeking communications between Defendant and any other party to this lawsuit, see response to Request No. 1 herein.

REQUEST FOR PRODUCTION NO. 4: Please produce all communications between You and any party regarding the dispute made the subject of this lawsuit.

OBJECTION: Defendant objects to the extent that this Request seeks the production of private and confidential communications between Defendant and his wife, which are protected by the spousal privilege. Tex. Evid. R. 504(a). Further objecting, this request is duplicative of Request Nos. 1 and 3 herein. Further objecting, communications between Defendant and Plaintiff are equally available to Plaintiff. Further objecting, this request is vague as to the undefined term "party."

RESPONSE: Subject to the foregoing and without waiving same, and assuming that by "party" Plaintiff is seeking communications between Defendant and any other party to this lawsuit, see response to Request No. 1 herein.

REQUEST FOR PRODUCTION NO. 5: Please produce any and all communications You have had with any party regarding the sale of duck eggs.

OBJECTION: Defendant objects to the extent that this Request seeks the production of private and confidential communications between Defendant and his wife, which are protected by the spousal privilege. Tex. Evid. R. 504(a). Further objecting, this request is duplicative of Request Nos. 1, 3, and 4 herein. Further objecting, communications between Defendant and Plaintiff are equally available to Plaintiff. Further objecting, this request is vague as to the undefined term “party.”

RESPONSE: Subject to the foregoing and without waiving same, and assuming that by “party” Plaintiff is seeking communications between Defendant and any other party to this lawsuit, see response to Request No. 1 herein.

REQUEST FOR PRODUCTION NO. 6: Please produce any and all documents evidencing Your wife’s disability.

OBJECTION: Defendant objects that this Request is overly broad, unduly burdensome, vague, and seeks records relating to some person other than Defendant and would not be in Defendant’s possession, custody or control especially given their privileged status, which privilege belongs to the patient and not Defendant. Defendant objects to this discovery request because it seeks the production of documents that have been deemed confidential protected health information pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

REQUEST FOR PRODUCTION NO. 7: Please produce any and all communications between You and any party regarding Your purchase of ducks.

OBJECTION: Defendant objects to the extent that this Request seeks the production of private and confidential communications between Defendant and his wife, which are protected by the spousal privilege. Tex. Evid. R. 504(a). Further objecting, this request is duplicative of Request Nos. 1, 3, 4 and 5 herein. Further objecting, communications between Defendant and Plaintiff are equally available to Plaintiff. Further objecting, this request is vague as to the undefined term “party.”

RESPONSE: Subject to the foregoing and without waiving same, and assuming that by “party” Plaintiff is seeking communications between Defendant and any other party to this lawsuit, see response to Request No. 1 herein.

REQUEST FOR PRODUCTION NO. 8: Please produce any and all documents which evidence, mention, refer to, or describe any statements made by any person with knowledge of relevant facts in this cause, concerning the facts and allegations asserted by any party in this cause.

OBJECTION: Duplicative of disclosures, vague, overly broad and seeks to force Defendant to marshal evidence.

RESPONSE: See Defendants’ disclosures for discoverable statements, if any.

REQUEST FOR PRODUCTION NO. 9: Please produce any and all documents which You intend to use in the trial of this cause.

OBJECTION: Defendant objects to this request because Plaintiff is not entitled to

ask for trial exhibits through a request for production of documents. Only the trial court can require a party to produce trial exhibits as part of discovery. *See* Tex. R. Civ. P. 166(l).

RESPONSE: Subject to the foregoing, Defendant will produce trial exhibits and demonstrative items in accordance with the requirements set forth in the Texas Rules of Civil Procedure or Local Rules of Hays County Courts. Defendant reserves the right to use any document produced or exchanged between the parties hereto, any document that is publicly and/or equally available, and/or any other document deemed appropriate by the Court. See also Defendant's disclosures for a copy or description of documents that Defendants may use to support their claims or defenses, unless the use would be solely for impeachment.

REQUEST FOR PRODUCTION NO. 10: Please produce all non-privileged documents that were reviewed or relied upon in answering the First Set of Request for Admissions and/or the First Set of Interrogatories which were served contemporaneously with this Request for Production of Documents.

RESPONSE: See documents produced as SKELTON 000001-000355.

REQUEST FOR PRODUCTION NO. 11: Please produce any and all witness statements, made at any time whatsoever, by any persons having knowledge of any facts, conditions or events which are relevant to the matters, events, or conditions in controversy in this suit and which are not privileged.

OBJECTION: Duplicative of disclosures and Request No. 8 herein, vague, and seeks to force Defendant to marshal evidence.

RESPONSE: See Defendants' disclosures for discoverable statements, if any.

REQUEST FOR PRODUCTION NO. 12: For each person, firm or corporation whom You intend to call to testify as an expert witness on Your behalf during this Lawsuit, either by live testimony or by deposition testimony, please produce copies of all CV's or resumes and all reports and writings setting forth any factual observations, tests, calculations, photographs, opinions and/or basis for opinions of each such expert witness, including all documents, records, photographs and any and all written materials of any kind whatsoever which have been provided to any person, firm or corporation who will or may be called as an expert witness during the course of this Lawsuit.

OBJECTION: Defendant objects on the grounds that a party may request another party to designate and disclose information concerning testifying expert witnesses only through a request for disclosure under Rule 194 and through depositions and reports as permitted by TRCP 195.1. Defendant further objects that this Request seeks information protected by work product privilege and /or attorney-client privilege, and is therefore not discoverable.

RESPONSE: See Defendants' disclosures and all supplements thereto for discoverable information regarding testifying experts, if any.

REQUEST FOR PRODUCTION NO. 13: For each consulting expert whose opinions or impressions were or will be reviewed by any testifying expert, please produce all reports and writings setting forth any factual observations, tests, calculations, photographs, opinions and/or basis for opinions of each such consulting expert, including all documents, records, photographs and any and all written materials of any kind whatsoever which have been provided to such consulting expert.

OBJECTION:

Defendant objects on the grounds that a party may request another party to designate and disclose information concerning testifying expert witnesses only through a request for disclosure under Rule 194 and through depositions and reports as permitted by TRCP 195.1. Defendant further objects that this Request seeks information protected by work product privilege and /or attorney-client privilege, and is therefore not discoverable.

RESPONSE: See Defendants' disclosures and all supplements thereto for discoverable information regarding testifying experts, if any.

REQUEST FOR PRODUCTION NO. 14: Please produce any and all documents whose production has not been requested pursuant to any other item of this request which You intend to offer into evidence at the trial of this Lawsuit.

OBJECTION: Defendant objects to this request because Plaintiff is not entitled to ask for trial exhibits through a request for production of documents. Only the trial court can require a party to produce trial exhibits as part of discovery. *See Tex. R. Civ. P. 166(l)*. Defendant further objects that this Request seeks to have Defendant marshal evidence, and is duplicative of Disclosures.

RESPONSE: Subject to the foregoing, Defendant will produce trial exhibits and demonstrative items in accordance with the requirements set forth in the Texas Rules of Civil Procedure or Local Rules of Hays County Courts. Defendant reserves the right to use any document produced or exchanged between the parties hereto, any document that is publicly and/or equally available, and/or any other document deemed appropriate by the Court. See also Defendant's disclosures for a copy or description of documents that Defendants may use to support their claims or defenses, unless the use would be solely for impeachment.

REQUEST FOR PRODUCTION NO. 15: Please produce any and all documents whose production has not been requested pursuant to any other item of this request which may be used as demonstrative evidence at trial of this Lawsuit.

OBJECTION: Defendant objects to this request because Plaintiff is not entitled to ask for trial exhibits through a request for production of documents. Only the trial court can require a party to produce trial exhibits as part of discovery. *See Tex. R. Civ. P. 166(l)*. Defendant further objects that this Request seeks to have Defendant marshal evidence, and is duplicative of Disclosures.

RESPONSE: Subject to the foregoing, Defendant will produce trial exhibits and demonstrative items in accordance with the requirements set forth in the Texas Rules of Civil Procedure or Local Rules of Hays County Courts. Defendant reserves the right to use any document produced or exchanged between the parties hereto, any document that is publicly and/or equally available, and/or any other document deemed appropriate by the Court. See also Defendant's disclosures for a copy or description of documents that Defendants may use to support their claims or defenses, unless the use would be solely for impeachment.

REQUEST FOR PRODUCTION NO. 16: Please produce any and all documents forming a basis for or relevant to any claim, defense, or contention asserted by You in reference to this Lawsuit.

OBJECTION: Defendant objects that this Request seeks to have Defendant marshal evidence in violation of the Texas Rules of Civil Procedure.

RESPONSE: Subject to the foregoing and without waiving same, Defendant reserves the right to use any document produced or exchanged between the parties hereto, any document that is publicly and/or equally available, and/or any other document deemed appropriate by the Court. See also Defendant's disclosures for a copy or description of documents that Defendants may use to support their claims or defenses, unless the use would be solely for impeachment.

REQUEST FOR PRODUCTION NO. 17: Please produce any and all documents identified in response to Plaintiff's Interrogatories.

RESPONSE: See documents produced as SKELTON 000001-000355.

REQUEST FOR PRODUCTION NO. 18: Please produce any and all documents or records which support or otherwise substantiate Your denial of Plaintiff's claims and allegations in this lawsuit.

OBJECTION: Defendant objects that this Request seeks to have Defendant marshal evidence in violation of the Texas Rules of Civil Procedure, and to the extent that this Request is duplicative of Disclosures. Further this Request seeks to shift the burden of proof in this case.

RESPONSE: Subject to the foregoing and without waiving same, see Defendant's disclosures for a copy or description of documents that Defendants may use to support their claims or defenses, unless the use would be solely for impeachment.

RESPONSE TO INTERROGATORIES

INTERROGATORY NO. 1: State the name, address, telephone, facsimile, and e-mail address of the person (not his/her attorney) who is answering these interrogatories on behalf of Defendant or assisting in answering the interrogatories on behalf of Defendant.

RESPONSE: Defendant Jakob Skelton, with assistance of counsel.

INTERROGATORY NO. 2: Please provide a list of the name, address, telephone, facsimile, and e-mail address of all persons You intend to call to testify at trial together with a brief statement of what that testimony will consist of.

OBJECTION: Defendant objects to this Request on the grounds that it constitutes an impermissible attempt to discover attorney work product, analysis, and/or strategy, and is unknown to Defendant because Defendant does not know and cannot anticipate at this time which witnesses will be called to testify and what those witnesses may or may not remember.

RESPONSE: See Defendant's Responses to Disclosures for the identification of persons having knowledge of relevant facts. Defendant reserves the right to call any person identified by any party to this lawsuit or otherwise identified in the documents exchanged by and between the parties hereto.

INTERROGATORY NO. 3: How many ducks presently are kept on Your property located at 914 Ranchers Club Lane, Driftwood, Texas 78640?

RESPONSE: 12

INTERROGATORY NO. 4: What was the first date you had ducks on Your property located at 914 Ranchers Club Lane, Driftwood, Texas 78640?

RESPONSE: April 2023.

INTERROGATORY NO. 5: What animals has Your wife attempted to use as emotional support animals other than ducks?

RESPONSE: None.

INTERROGATORY NO. 6: What disability does Your wife have that necessitates the use of ducks as emotional support animals?

RESPONSE: Post Traumatic Stress Disorder (ICD 10: F43.1) and other reactions to severe stress (ICD 10: F43.8).

INTERROGATORY NO. 7: When was Your wife first diagnosed with this disability?

OBJECTION: Defendant objects that this Interrogatory is wholly irrelevant to any claim or defense asserted herein, and protected by the doctor-patient privilege, and constitutes confidential protected health information pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). These privileges belong to the patient and not this answering Defendant.

INTERROGATORY NO. 8: Who diagnosed Your wife with the disability identified in Number 6 above?

OBJECTION: Defendant objects that this Interrogatory is wholly irrelevant to any claim or defense asserted herein, and protected by the doctor-patient privilege, and constitutes confidential protected health information pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). These privileges belong to the patient and not this answering Defendant.

INTERROGATORY NO. 9: Why have You failed to respond to the Plaintiff's offer of accommodation to Your wife?

OBJECTION: Defendant objects that this Interrogatory assumes a disputed fact.

RESPONSE: Subject to the foregoing and without waiving same, Defendants had already been sued by the HOA when they received the "accommodation" letter and, at the time, were not represented by counsel. Defendants have since responded to the letter and repeatedly requested that Plaintiff agree to attend mediation to attempt to discuss and resolve the issue. Plaintiff has refused and instead on December 10, 2024 reneged on all prior offers of accommodation by demanding that Defendants remove all ducks from the property, pay nearly \$10,000.00 to Plaintiffs, and post an "apology" on the HOA's Facebook page prepared by Plaintiff which would force Defendants to state that their actions "sow[ed] division and discord in our community" and "resulted in unnecessary costs" despite the fact that the HOA—and not Plaintiffs—filed this baseless lawsuit.

INTERROGATORY NO. 10: Please identify all communications with any party regarding the dispute made the subject of this lawsuit.

OBJECTION: Defendant objects to the extent that this Request seeks private and confidential communications between Defendant and his wife, which are protected by the spousal privilege. Tex. Evid. R. 504(a). Further objecting, this request is duplicative of Request for Production Nos. 1, 3, 4, 5, 7, 8 herein. Further objecting, communications between Defendant and Plaintiff are equally available to Plaintiff. Further objecting, this request is vague as to the undefined term "party."

RESPONSE: Subject to the foregoing and without waiving same, and assuming that by "party" Plaintiff is seeking communications between Defendant and any other party to this lawsuit, see response to Request No. 1 herein from which the requested information may be ascertained.

INTERROGATORY NO. 11: If you contend that the accommodation offered by Plaintiff on September 20, 2024, is not reasonable, please identify all of the reasons why it is unreasonable.

OBJECTION: This Interrogatory invades the province of the jury in this case.

RESPONSE: Subject to the foregoing objection and without waiving same, Defendant responds as follows: Defendants received permission to obtain the ducks and, for over a year, Plaintiff was aware of them and never objected to them. Plaintiff then issued a letter to us stating that we were allowed to have 6 (six) ducks. Plaintiff then filed a lawsuit without any further notice and did not offer any accommodation until several months after it sued Defendants. The “accommodation” offered then reduced the number of ducks again to two (2) ducks, and required the ducks to remain inside Defendant’s home and restricted the ducks from “outside the main dwelling on the property up to two (2) times a day for a maximum amount of time not to exceed two (2) hours outside the main dwelling on the property.” This is an absurd proposition given that ducks need to live outdoors and are not suited to an indoor lifestyle, and it is cruel to keep ducks indoors. Defendant reserves the right to amend and/or supplement this response.

INTERROGATORY NO. 12: Please identify any and all trade names, assumed names, or entities that You have utilized in the sales and marketing of duck eggs.

RESPONSE: We have never used any formal names; however, the La Ventana Driftwood, Tx Neighborhood Group on Facebook noted that it was “excited to have our sweet neighbor Stephanie Skelton participate...[by] selling some fresh duck eggs” at the 2023 Holiday Market and listed us as “Skelton Farms” for that purpose.

INTERROGATORY NO. 13: If Your response to **any** Request for Admission was denied, please identify same and state the legal and/or factual basis for Your contention.

OBJECTION: Defendant objects in that Plaintiff, through this Interrogatory, seeks to avoid its burden of proof as required by the Constitution and laws of the State of Texas. Defendant further objects to the extent that this Interrogatory seeks a legal conclusion or opinion.

INTERROGATORY NO. 14: Please identify any and all documents submitted to the Plaintiff with respect to the structure You constructed on Your property for housing Your ducks.

RESPONSE: None.

INTERROGATORY NO. 15: Who constructed the structure located on Your property utilized for housing Your ducks?

RESPONSE: Jakob Skelton.

INTERROGATORY NO. 16: When was Your wife diagnosed with the disability identified in Number 6 above?

OBJECTION: Duplicative of No. 7 herein. Defendant objects that this Interrogatory is wholly irrelevant to any claim or defense asserted herein, and protected by the doctor-patient privilege

RESPONSE: See objection and response to Interrogatory No. 7.

CAUSE NO. 24-0753-C

LA VENTANA RANCH OWNERS
ASSOCIATION, INC.,
Plaintiff,

v.

JAKOB SKELTON AND STEPHANIE
CHANG A/K/A STEPHANIE SKELTON,
Defendants.

§
§
§
§
§
§
§
§

IN THE COUNTY COURT

AT LAW NO. 1

HAYS COUNTY, TEXAS

**DEFENDANT STEPHANIE SKELTON (INCORRECTLY SUED AS STEPHANIE
CHANG A/K/A STEPHANIE SKELTON)'S OBJECTIONS AND RESPONSES TO
PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS**

To: La Ventana Ranch Owners Association, Inc. by and through its counsel of record, Adam Pugh, Cagle Pugh, 4301 Westbank Dr., Suite A150, Austin, Texas 78746.

Pursuant to TRCP Rules 196, 197, and 198, Defendant Stephanie Skelton (incorrectly sued as Stephanie Chang a/k/a Stephanie Skelton) (“**Defendant**”) serves the following Objections and Responses to Plaintiff’s Discovery Requests.

Respectfully submitted,

DUBOIS, BRYANT & CAMPBELL, LLP
303 Colorado Street, Suite 2300
Austin, Texas 78701
Telephone: (512) 457-8000
Telecopier: (512) 457-8008

By: /s/ Melissa Carr

Melissa Carr
State Bar No. 24065008
mcarr@dbcllp.com

**ATTORNEYS FOR DEFENDANTS
JAKOB SKELTON AND STEPHANIE
SKELTON**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy has been served upon the following counsel of record, by electronic means and/or facsimile on this 3rd day of February, 2025:

Adam Pugh
Cagle Pugh
4301 Westbank Dr., Suite A150
Austin, Texas 78746
adam.pugh@caglepugh.com

**ATTORNEYS FOR PLAINTIFF
LA VENTANA RANCH OWNERS
ASSOCIATION, INC.**

/s/ Melissa Carr

Melissa Carr

GENERAL OBJECTIONS AND OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

Defendant objects to the definitions and instructions provided for use in responding to these discovery requests to the extent that said definitions attempt to modify what terms mean under the Texas Rules of Civil Procedure and commonly accepted English language interpretations. They are not legal terms requiring definitions. Furthermore, Defendant objects to the instructions and definitions in their entirety to the extent that they seek to impose terms and conditions beyond the requirements of the Texas Rules of Civil Procedure.

Defendant objects to the definition of **“You,”** and **“Your,”** to the extent said definition, when read with the discovery requests, exceeds the permissible scope of discovery and would require disclosure of information protected by the attorney-client and/or work product privilege as defined in TRCP 192.5, and/or would require this answering Defendant to provide information beyond the scope of this lawsuit.

Defendant objects to the definition of **“Document”** to the extent said definition, when read with the discovery requests, exceeds the permissible scope of discovery and would require disclosure of information protected by the work product privilege as defined in TRCP 192.5. This definition is overbroad and unduly burdensome.

Defendant objects to No. 8 of the “Definitions and Instructions” because it instructs this answering Defendant to provide information relating to work product and/or consulting experts in violation of attorney-client and/or work product privileges.

These General Objections are incorporated into each of the below specific objections and responses to the specific requests as if specifically set forth fully therein. The stating of specific objections to a particular request shall not be construed as a waiver of the within General Objections, nor does a specific reference to a General Objection in the response to a particular request waive any other General Objection. Defendant reserves the right to make specific and further objections to each request.

Subject to and without waiving the foregoing objections, Defendant further objects and responds as follows:

RESPONSES TO REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Please admit Your property located at 914 Ranchers Club Lane, Driftwood, Texas 78640 is subject to that certain *Third Amended Declaration of Covenants, Conditions and Restrictions for La Ventana*, recorded at Document No. 02026515 in the Official Public Records of Hays County, Texas.

OBJECTION: Defendant objects to this Request to the extent that it seeks a legal opinion or conclusion which Defendant is not qualified to render.

RESPONSE: Subject to the foregoing, ADMIT.

REQUEST FOR ADMISSION NO. 2: Please admit You keep ducks on the real property identified in Number 1 above.

RESPONSE: ADMIT.

REQUEST FOR ADMISSION NO. 3: Please admit You have kept no less than 17 ducks on the property identified in Number 1 above.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 4: Please admit You have requested a reasonable accommodation from the Plaintiff for yourself only.

RESPONSE: Defendants admit that they have not submitted a formal request for a reasonable accommodation relating to the ducks for anyone other than Stephanie; however, Defendants have communicated to Plaintiff that Jakob also suffers from PTSD, and that such an accommodation was being requested for both Defendants.

REQUEST FOR ADMISSION NO. 5: Please admit You received the letter dated September 20, 2024, from the undersigned offering an accommodation for You.

RESPONSE: ADMIT.

REQUEST FOR ADMISSION NO. 6: Please admit the accommodation offered by the Plaintiff is reasonable.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 7: Please admit You have failed to respond to the Plaintiff's September 20, 2024, offer of an accommodation.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 8: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least June 20, 2024.

RESPONSE: ADMIT.

REQUEST FOR ADMISSION NO. 9: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least January 1, 2024.

RESPONSE: ADMIT.

REQUEST FOR ADMISSION NO. 10: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least February 1, 2024.

RESPONSE: ADMIT.

REQUEST FOR ADMISSION NO. 11: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least March 1, 2024.

RESPONSE: ADMIT.

REQUEST FOR ADMISSION NO. 12: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least April 1, 2024.

RESPONSE: ADMIT.

REQUEST FOR ADMISSION NO. 13: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least May 1, 2024.

RESPONSE: ADMIT.

REQUEST FOR ADMISSION NO. 14: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least March 1, 2023.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 15: Please admit that You have sold eggs laid by Your ducks.

RESPONSE: ADMIT.

REQUEST FOR ADMISSION NO. 16: Please admit that Your ducks are not service animals as that term is used pursuant to the Fair Housing Act.

OBJECTION: Defendant objects to this Request to the extent that it seeks a legal opinion or conclusion which Defendant is not qualified to render.

RESPONSE: Subject to the foregoing, **DENY.**

REQUEST FOR ADMISSION NO. 17: Please admit that Your ducks are not service animals under any theory You have asserted in this cause.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 18: Please admit that Your ducks do not do work or tasks directly related to Your disability.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 19: Please admit that You have failed to provide any information that reasonably supports that Your assertion that You have a disability.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 20: Please admit that the only document that You have provided the Plaintiff with regard to Your disability is a letter dated June 25, 2024, from Cherissa R. McConnell.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 21: Please admit that You have never met with Cherissa R. McConnell in person.

RESPONSE: ADMIT.

REQUEST FOR ADMISSION NO. 22: Please admit that You have never met with Cherissa R. McConnell in the presence of Your ducks.

RESPONSE: ADMIT.

REQUEST FOR ADMISSION NO. 23: Please admit that neither Cherissa R. McConnell, nor any other professional treating You, has ever opined that Your disability requires You to have multiple ducks.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 24: Please admit that neither Cherissa R. McConnell, nor any other professional treating You, has ever opined that Your disability requires You to have 17 ducks.

RESPONSE: ADMIT, as Defendants have never had that many ducks.

REQUEST FOR ADMISSION NO. 25: Please admit that neither Cherissa R. McConnell, nor any other professional treating You, has ever opined that Your disability requires You to have an animal or animals that are not commonly kept in households.

RESPONSE: DENY.

REQUEST FOR ADMISSION NO. 26: Please admit that neither Cherissa R. McConnell, nor any other professional treating You, has ever opined that Your ducks must be kept outside.

RESPONSE: ADMIT that Defendant's therapist has never opined on whether any animal should be kept inside or outside.

REQUEST FOR ADMISSION NO. 27: Please admit that ducks are not commonly kept in households.

OBJECT: Defendant objects that this request is vague as to the phrase "in households."

RESPONSE: Subject to the foregoing objection, while Defendant is not aware of any statistical data, Defendant ADMITS that she believes that people who have ducks probably keep them outdoors and not inside their household.

REQUEST FOR ADMISSION NO. 28: Please admit that You have failed to provide any information to Plaintiff that would explain why You cannot utilize an animal commonly kept in households as an emotional support animal.

RESPONSE: DENY.

RESPONSE TO REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce any and all communication You have had with Plaintiff regarding the dispute made the subject of this lawsuit.

OBJECTION: Objection, equally available.

RESPONSE: Subject to the foregoing objection and without waiving same, see documents produced as SKELTON 000001-000355.

REQUEST FOR PRODUCTION NO. 2: Please produce any and all documents evidencing any possible claim for attorney fees, including invoices, bills, and/or fee agreements.

RESPONSE: See documents produced as SKELTON 000001-000355.

REQUEST FOR PRODUCTION NO. 3: Please produce any and all communications between You and any party regarding Your disability or Your need for ducks.

OBJECTION: Defendant objects to the extent that this Request seeks the production of private and confidential communications between Defendant and his wife, which are protected by the spousal privilege. Tex. Evid. R. 504(a). Further objecting, this request is duplicative of Request No. 1 herein. Further objecting, communications between Defendant and Plaintiff are equally available to Plaintiff. Further objecting, this request is vague as to the undefined term “party.”

RESPONSE: Subject to the foregoing and without waiving same, and assuming that by “party” Plaintiff is seeking communications between Defendant and any other party to this lawsuit, see response to Request No. 1 herein.

REQUEST FOR PRODUCTION NO. 4: Please produce all communications between You and any party regarding the dispute made the subject of this lawsuit.

OBJECTION: Defendant objects to the extent that this Request seeks the production of private and confidential communications between Defendant and his wife, which are protected by the spousal privilege. Tex. Evid. R. 504(a). Further objecting, this request is duplicative of Request Nos. 1 and 3 herein. Further objecting, communications between Defendant and Plaintiff are equally available to Plaintiff. Further objecting, this request is vague as to the undefined term “party.”

RESPONSE: Subject to the foregoing and without waiving same, and assuming that by “party” Plaintiff is seeking communications between Defendant and any other party to this lawsuit, see response to Request No. 1 herein.

REQUEST FOR PRODUCTION NO. 5: Please produce any and all communications You have had with any party regarding the sale of duck eggs.

OBJECTION: Defendant objects to the extent that this Request seeks the production of private and confidential communications between Defendant and his wife, which

are protected by the spousal privilege. Tex. Evid. R. 504(a). Further objecting, this request is duplicative of Request Nos. 1, 3, and 4 herein. Further objecting, communications between Defendant and Plaintiff are equally available to Plaintiff. Further objecting, this request is vague as to the undefined term “party.”

RESPONSE: Subject to the foregoing and without waiving same, and assuming that by “party” Plaintiff is seeking communications between Defendant and any other party to this lawsuit, see response to Request No. 1 herein.

REQUEST FOR PRODUCTION NO. 6: Please produce any and all documents evidencing Your disability.

OBJECTION: Defendant objects that this Request is overly broad, unduly burdensome, vague, and seeks documents protected by the doctor-patient privilege. See generally *R.K. v. Ramirez*, 887 S.W.2d 836 (Tex. 1994). Defendant objects to this discovery request because it seeks the production of documents that have been deemed confidential protected health information pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Defendant moves for a protective order and requests that the Court conduct an *in camera* review and redaction of any such records as is the long-standing requirement in Texas pursuant to *Ramirez. Id.* at 845.

RESPONSE: Subject to the foregoing objection and without waiving same, see redacted documents evidencing Defendant’s disability contained within documents produced as SKELTON 000001-000355.

REQUEST FOR PRODUCTION NO. 7: Please produce any and all communications between You and any party regarding Your purchase of ducks.

OBJECTION: Defendant objects to the extent that this Request seeks the production of private and confidential communications between Defendant and his wife, which are protected by the spousal privilege. Tex. Evid. R. 504(a). Further objecting, this request is duplicative of Request Nos. 1, 3, 4, and 5, herein. Further objecting, communications between Defendant and Plaintiff are equally available to Plaintiff. Further objecting, this request is vague as to the undefined term “party.”

RESPONSE: Subject to the foregoing and without waiving same, and assuming that by “party” Plaintiff is seeking communications between Defendant and any other party to this lawsuit, see response to Request No. 1 herein.

REQUEST FOR PRODUCTION NO. 8: Please produce any and all documents which evidence, mention, refer to, or describe any statements made by any person with knowledge of relevant facts in this cause, concerning the facts and allegations asserted by any party in this cause.

OBJECTION: Duplicative of disclosures, vague, overly broad and seeks to force Defendant to marshal evidence.

RESPONSE: See Defendants’ disclosures for discoverable statements, if any.

REQUEST FOR PRODUCTION NO. 9: Please produce any and all documents which You intend to use in the trial of this cause.

OBJECTION: Defendant objects to this request because Plaintiff is not entitled to ask for trial exhibits through a request for production of documents. Only the trial court can require a party to produce trial exhibits as part of discovery. *See* Tex. R. Civ. P. 166(l).

RESPONSE: Subject to the foregoing, Defendant will produce trial exhibits and demonstrative items in accordance with the requirements set forth in the Texas Rules of Civil Procedure or Local Rules of Hays County Courts. Defendant reserves the right to use any document produced or exchanged between the parties hereto, any document that is publicly and/or equally available, and/or any other document deemed appropriate by the Court. See also Defendant's disclosures for a copy or description of documents that Defendants may use to support their claims or defenses, unless the use would be solely for impeachment.

REQUEST FOR PRODUCTION NO. 10: Please produce all non-privileged documents that were reviewed or relied upon in answering the First Set of Request for Admissions and/or the First Set of Interrogatories which were served contemporaneously with this Request for Production of Documents.

RESPONSE: See documents produced as SKELTON 000001-000355.

REQUEST FOR PRODUCTION NO. 11: Please produce any and all witness statements, made at any time whatsoever, by any persons having knowledge of any facts, conditions or events which are relevant to the matters, events, or conditions in controversy in this suit and which are not privileged.

OBJECTION: Duplicative of disclosures, vague, and seeks to force Defendant to marshal evidence.

RESPONSE: See Defendants' disclosures for discoverable statements, if any.

REQUEST FOR PRODUCTION NO. 12: For each person, firm or corporation whom You intend to call to testify as an expert witness on Your behalf during this Lawsuit, either by live testimony or by deposition testimony, please produce copies of all CV's or resumes and all reports and writings setting forth any factual observations, tests, calculations, photographs, opinions and/or basis for opinions of each such expert witness, including all documents, records, photographs and any and all written materials of any kind whatsoever which have been provided to any person, firm or corporation who will or may be called as an expert witness during the course of this Lawsuit.

OBJECTION: Defendant objects on the grounds that a party may request another party to designate and disclose information concerning testifying expert witnesses only through a request for disclosure under Rule 194 and through depositions and

reports as permitted by TRCP 195.1. Defendant further objects that this Request seeks information protected by work product privilege and /or attorney-client privilege, and is therefore not discoverable.

RESPONSE: See Defendants' disclosures and all supplements thereto for discoverable information regarding testifying experts, if any.

REQUEST FOR PRODUCTION NO. 13: For each consulting expert whose opinions or impressions were or will be reviewed by any testifying expert, please produce all reports and writings setting forth any factual observations, tests, calculations, photographs, opinions and/or basis for opinions of each such consulting expert, including all documents, records, photographs and any and all written materials of any kind whatsoever which have been provided to such consulting expert.

OBJECTION:

Defendant objects on the grounds that a party may request another party to designate and disclose information concerning testifying expert witnesses only through a request for disclosure under Rule 194 and through depositions and reports as permitted by TRCP 195.1. Defendant further objects that this Request seeks information protected by work product privilege and /or attorney-client privilege, and is therefore not discoverable.

RESPONSE: See Defendants' disclosures and all supplements thereto for discoverable information regarding testifying experts, if any.

REQUEST FOR PRODUCTION NO. 14: Please produce any and all documents whose production has not been requested pursuant to any other item of this request which You intend to offer into evidence at the trial of this Lawsuit.

OBJECTION: Defendant objects to this request because Plaintiff is not entitled to ask for trial exhibits through a request for production of documents. Only the trial court can require a party to produce trial exhibits as part of discovery. *See Tex. R. Civ. P. 166(l)*. Defendant further objects that this Request seeks to have Defendant marshal evidence, and is duplicative of Disclosures.

RESPONSE: Subject to the foregoing, Defendant will produce trial exhibits and demonstrative items in accordance with the requirements set forth in the Texas Rules of Civil Procedure or Local Rules of Hays County Courts. Defendant reserves the right to use any document produced or exchanged between the parties hereto, any document that is publicly and/or equally available, and/or any other document deemed appropriate by the Court. See also Defendant's disclosures for a copy or description of documents that Defendants may use to support their claims or defenses, unless the use would be solely for impeachment.

REQUEST FOR PRODUCTION NO. 15: Please produce any and all documents whose production has not been requested pursuant to any other item of this request which may be used as demonstrative evidence at trial of this Lawsuit.

OBJECTION: Defendant objects to this request because Plaintiff is not entitled to ask for trial exhibits through a request for production of documents. Only the trial court can require a party to produce trial exhibits as part of discovery. *See* Tex. R. Civ. P. 166(l). Defendant further objects that this Request seeks to have Defendant marshal evidence, and is duplicative of Disclosures.

RESPONSE: Subject to the foregoing, Defendant will produce trial exhibits and demonstrative items in accordance with the requirements set forth in the Texas Rules of Civil Procedure or Local Rules of Hays County Courts. Defendant reserves the right to use any document produced or exchanged between the parties hereto, any document that is publicly and/or equally available, and/or any other document deemed appropriate by the Court. See also Defendant's disclosures for a copy or description of documents that Defendants may use to support their claims or defenses, unless the use would be solely for impeachment.

REQUEST FOR PRODUCTION NO. 16: Please produce any and all documents forming a basis for or relevant to any claim, defense, or contention asserted by You in reference to this Lawsuit.

OBJECTION: Defendant objects that this Request seeks to have Defendant marshal evidence in violation of the Texas Rules of Civil Procedure.

RESPONSE: Subject to the foregoing and without waiving same, Defendant reserves the right to use any document produced or exchanged between the parties hereto, any document that is publicly and/or equally available, and/or any other document deemed appropriate by the Court. See also Defendant's disclosures for a copy or description of documents that Defendants may use to support their claims or defenses, unless the use would be solely for impeachment.

REQUEST FOR PRODUCTION NO. 17: Please produce any and all documents identified in response to Plaintiff's Interrogatories.

RESPONSE: See documents produced as SKELTON 000001-000355.

REQUEST FOR PRODUCTION NO. 18: Please produce any and all documents or records which support or otherwise substantiate Your denial of Plaintiff's claims and allegations in this lawsuit.

OBJECTION: Defendant objects that this Request seeks to have Defendant marshal evidence in violation of the Texas Rules of Civil Procedure, and to the extent that this Request is duplicative of Disclosures. Further this Request seeks to shift the burden of proof in this case.

RESPONSE: Subject to the foregoing and without waiving same, see Defendant's disclosures for a copy or description of documents that Defendants may use to support their claims or defenses, unless the use would be solely for impeachment.

RESPONSE TO INTERROGATORIES

INTERROGATORY NO. 1: State the name, address, telephone, facsimile, and e-mail address of the person (not his/her attorney) who is answering these interrogatories on behalf of Defendant or assisting in answering the interrogatories on behalf of Defendant.

RESPONSE: Defendant Stephanie Chang, with assistance of counsel.

INTERROGATORY NO. 2: Please provide a list of the name, address, telephone, facsimile, and e-mail address of all persons You intend to call to testify at trial together with a brief statement of what that testimony will consist of.

OBJECTION: Defendant objects to this Request on the grounds that it constitutes an impermissible attempt to discover attorney work product, analysis, and/or strategy, and is unknown to Defendant because Defendant does not know and cannot anticipate at this time which witnesses will be called to testify and what those witnesses may or may not remember.

RESPONSE: See Defendant's Responses to Disclosures for the identification of persons having knowledge of relevant facts. Defendant reserves the right to call any person identified by any party to this lawsuit or otherwise identified in the documents exchanged by and between the parties hereto.

INTERROGATORY NO. 3: How many ducks presently are kept on Your property located at 914 Ranchers Club Lane, Driftwood, Texas 78640?

RESPONSE: 12

INTERROGATORY NO. 4: What was the first date you had ducks on Your property located at 914 Ranchers Club Lane, Driftwood, Texas 78640?

RESPONSE: April 2023

INTERROGATORY NO. 5: What animals have You attempted to use as emotional support animals other than ducks?

RESPONSE: None.

INTERROGATORY NO. 6: What disability do You have that necessitates the use of ducks as emotional support animals?

RESPONSE: Post Traumatic Stress Disorder (ICD 10: F43.1) and other reactions to severe stress (ICD 10: F43.8).

INTERROGATORY NO. 7: When were You first diagnosed with this disability?

OBJECTION: Defendant objects that this Interrogatory is wholly irrelevant to any claim or defense asserted herein, protected by the doctor-patient privilege, and constitutes confidential protected health information pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

RESPONSE: Subject to the foregoing objection and without waiving same, this diagnosis occurred before Defendants requested permission for and acquired the ducks over which they have now been sued.

INTERROGATORY NO. 8: Who diagnosed You with the disability identified in Number 6 above?

OBJECTION: Defendant objects that this Interrogatory is wholly irrelevant to any claim or defense asserted herein, and protected by the doctor-patient privilege, which privilege belongs to the patient and not this answering Defendant.

RESPONSE: Subject to the foregoing objection and without waiving same, Defendant is not certain which provider determined this diagnosis first, but believes it was an army therapist. She has also received this diagnosis from her current therapist, Cherissa R. McConnell, LCSW, MSW.

INTERROGATORY NO. 9: Why have You failed to respond to the Plaintiff's offer of accommodation to You?

OBJECTION: Defendant objects that this Interrogatory assumes a disputed fact.

RESPONSE: Subject to the foregoing and without waiving same, Defendants had already been sued by the HOA when they received the "accommodation" letter and, at the time, were not represented by counsel. Defendants have since responded to the letter and repeatedly requested that Plaintiff agree to attend mediation to attempt to discuss and resolve the issue. Plaintiff has refused and instead on December 10, 2024 reneged on all prior offers of accommodation by demanding that Defendants remove all ducks from the property, pay nearly \$10,000.00 to Plaintiffs, and post an "apology" on the HOA's Facebook page prepared by Plaintiff which would force Defendants to state that their actions "sow[ed] division and discord in our community" and "resulted in unnecessary costs" despite the fact that the HOA—and not Plaintiffs—filed this baseless lawsuit.

INTERROGATORY NO. 10: Please identify all communications with any party regarding the dispute made the subject of this lawsuit.

OBJECTION: Defendant objects to the extent that this Request seeks private and confidential communications between Defendant and his wife, which are protected by the spousal privilege. Tex. Evid. R. 504(a). Further objecting, this request is duplicative of Request for Production Nos. 1, 3, 4, 5, 7, 8 herein. Further objecting, communications between Defendant and Plaintiff are equally available to Plaintiff. Further objecting, this request is vague as to the undefined term "party."

RESPONSE: Subject to the foregoing and without waiving same, and assuming that by “party” Plaintiff is seeking communications between Defendant and any other party to this lawsuit, see response to Request No. 1 herein from which the requested information may be ascertained.

INTERROGATORY NO. 11: If you contend that the accommodation offered by Plaintiff on September 20, 2024, is not reasonable, please identify all of the reasons why it is unreasonable.

OBJECTION: This Interrogatory invades the province of the jury in this case.

RESPONSE: Subject to the foregoing objection and without waiving same, Defendant responds as follows: Defendants received permission to obtain the ducks and, for over a year, Plaintiff was aware of them and never objected to them. Plaintiff then issued a letter to us stating that we were allowed to have 6 (six) ducks. Plaintiff then filed a lawsuit without any further notice and did not offer any accommodation until several months after it sued Defendants. The “accommodation” offered then reduced the number of ducks again to two (2) ducks, and required the ducks to remain inside Defendant’s home and restricted the ducks from “outside the main dwelling on the property up to two (2) times a day for a maximum amount of time not to exceed two (2) hours outside the main dwelling on the property.” This is an absurd proposition given that ducks need to live outdoors and are not suited to an indoor lifestyle, and it is cruel to keep ducks indoors. Defendant reserves the right to amend and/or supplement this response.

INTERROGATORY NO. 12: Please identify any and all trade names, assumed names, or entities that You have utilized in the sales and marketing of duck eggs.

RESPONSE: We have never used any formal names; however, the La Ventana Driftwood, Tx Neighborhood Group on Facebook noted that it was “excited to have our sweet neighbor Stephanie Skelton participate...[by] selling some fresh duck eggs” at the 2023 Holiday Market and listed us as “Skelton Farms” for that purpose.

INTERROGATORY NO. 13: If Your response to **any** Request for Admission was denied, please identify same and state the legal and/or factual basis for Your contention.

OBJECTION: Defendant objects in that Plaintiff, through this Interrogatory, seeks to avoid its burden of proof as required by the Constitution and laws of the State of Texas. Defendant further objects to the extent that this Interrogatory seeks a legal conclusion or opinion.

INTERROGATORY NO. 14: Please identify any and all documents submitted to the Plaintiff with respect to the structure You constructed on Your property for housing Your ducks.

RESPONSE: None.

INTERROGATORY NO. 15: Who constructed the structure located on Your property utilized for housing Your ducks?

RESPONSE: Jakob Skelton.

INTERROGATORY NO. 16: When were You diagnosed with the disability identified in Number 6 above?

OBJECTION: Duplicative of No. 7 herein. Defendant objects that this Interrogatory is wholly irrelevant to any claim or defense asserted herein, and protected by the doctor-patient privilege

RESPONSE: See objection and response to Interrogatory No. 7.

INTERROGATORY NO. 17: What is Your legal name?

RESPONSE: Stephanie Susan Skelton

INTERROGATORY NO. 18: What name would You prefer Plaintiff used when referring to You in this lawsuit?

RESPONSE: Stephanie Skelton.